

REMARKS/ARGUMENTS

Claims 1, 3-12, 14-18 and 20 are now pending in the present application. Claims 1, 12 and 18 have been amended, and Claims 2, 13 and 19 have been cancelled, herewith. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 102, Anticipation

Claims 1-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Schunk et al. (U.S. Patent No. 6,980,515), hereinafter “Schunk”. This rejection is respectfully traversed.

With respect to Claim 1, Applicants have amended such claim to provide further definition for certain claimed terms in accordance with their definition in the present Specification and their normal, plain meaning. It is urged that the cited reference is non-analogous art that is directed to a telecommunication system that provides a switch for interconnecting telephone calls, and is not directed to a complex data processing system, as claimed.

In particular, Claim 1 now recites that the composite resource is one of a cluster and a grid, where the cluster is a plurality of server data processing systems aggregated together in a computing cooperative fashion such that at least some data resources of the plurality of server data processing systems are usable by another of the plurality of server data processing systems, and the grid is a plurality of client and server data processing systems that operate to provide a plurality of computing resources for a common task to be performed by the grid. Of course, one skilled in the art would appreciate that there are other cooperative composite resources equivalent to a cluster or grid.

The cited reference does not teach either a cluster or a grid. The cited Schunk reference describes a multi-service *network switch* that is capable of providing tiered access to the Internet (col. 1, lines 16-18). Such tiered Internet access is described by Schunk as being different access levels to network connection requests for prioritizing them when there is competition for a resource (col. 1, lines 59-62). This Schunk switch is operable to provide multiple services including modem and ISDN services, frame relay support, LAN interfaces, and layer-2 and layer-3 switching from a single platform (col. 1, line 66 – col. 2, line 3). The switch is able to provide different quality of access levels for each incoming connection request to thereby allow the switch to prioritize the incoming connection requests when there is competition for a resource (col. 2, lines 4-6). The access level for an incoming requested is determined based upon a characteristic of the incoming call, with such characteristics being described as being an inlink type of the call, a telephone number associated with the call, and the like (col. 2, lines 11-16). The switch identifies the resource requested by the incoming connection request and determines an amount of current usage for the resource, and if the amount of current usage is less than the access threshold

associated with the assigned access level, *the call is accepted and the resource is allocated to the call* (col. 2, lines 16-21). As can be seen, the cited reference is fundamentally different from the claimed cluster or grid, as the cited reference describes a technique for accepting incoming calls and selectively accepting the call if a resource requested by the call is not over-utilized.

Such selective call-acceptance by a switch does not teach (i) determining whether a monitored resource is *part of a plurality of data processing systems aggregated together in a computing cooperative fashion* (cluster) or determining whether a monitored resource is part of a plurality of client and server data processing systems that operate to provide a plurality of computing resources for a common task (grid), (ii) associating the monitored resource with the plurality of data processing systems aggregated together in a computing cooperative fashion (cluster) or associating the monitored resource with the plurality of client and server data processing systems that operate to provide a plurality of computing resources for a common task (grid), or (iii) altering a reporting format for monitoring information to report monitoring information for the monitored resource for the cluster or grid, as per the features of Claim 1.

In rejecting Claim 1, the Examiner states that Schunk teaches the determining, associating and altering steps of Claim 1 at Schunk col. 18, lines 8-14. Applicants show that there, Schunk states:

In step 364, the program inquires whether the identified resource resides locally in the receiving FM 10. If the answer is YES, the resource manager 38, in step 366, allocates the identified resource to the call based on the identified VR ID and QoA level. In step 368, the resource manager 38 proceeds to update its local resource table 334 indicating the allocation of the identified resource.

As can be seen, this description is with respect to allocating a resource to an incoming call based on characteristics of the call and the assigned access level (including updating a table to reflect this allocated resource), as described above in the opening summary description of the teachings of this reference. This cited passage provides no teaching of a plurality of data processing systems aggregated together in a computing cooperative fashion, or any determination being made as to whether a particular resource is a part of another conglomerate resource such as the claimed cluster. Perhaps even more importantly, this cited passage does not describe any type of monitoring report or the altering of a format for such a monitoring report. Instead, it merely describes adding a resource entry to an internal table. Thus, it is urged that the amendment to Claim 1 has overcome the present rejection of Claim 1 under 35 U.S.C. § 102(e).

Applicants initially traverse the rejection of Claims 2 and 4-11 for reasons given above with respect to Claim 1 (of Claims 2-11 depend upon). Claim 3 has been cancelled herewith, without prejudice or disclaimer.

Further with respect to Claim 3, such claim recites “receiving the monitoring information at a resource manager; and aggregating the monitoring information for the composite resource”. As can be seen, this claim is directed to the monitoring information, and such monitoring information is received and aggregated. In rejecting Claim 3, the Examiner states that such receiving and aggregating of monitoring information is taught by Schunk at col. 17, lines 58-67. Applicants show that there, Schunk states:

FIG. 16 is a flow diagram of a resource allocation process according to one embodiment of the invention. When a user initiates a connection request in step 356, the connection manager 46 detects the incoming connection request in step 358 via one of the interface lines, and in step 360, notifies the resource manager 38 residing in the FM 10 receiving the request (the receiving FM).

This cited passage describes detects on incoming *connection request*, and does not describe receiving or aggregating of *monitoring information*. Applicants have amended the claims to further highlight this distinction, as Claim 1 now recites that the monitoring information includes an operational status of the resource. While an incoming call as described by Schunk may request a resource as a part of such call, such request does not include an operational status of such requested resource. Thus, it is further urged that Claim 3 is not anticipated by the cited reference.

Further with respect to Claim 6, such claim recites “wherein associating the monitored resource with the composite resource further includes linking the entry in the resource data structure with an entry in a composite resource data structure”. As can be seen, there are two data structures – a resource data structure and a composite resource data structure – with a linking together of an entry from each of these two different data structures. In rejecting Claim 6, the Examiner states that all features recited therein are taught by Schunk at Figure 6 and col. 18, lines 3-7. Applicants urge error, as such cited sections of Schunk describe a single forwarding table used to route IP addresses (col. 11, lines 41-51). The cited passage at col. 18 describes allocating a resource to an incoming call, including adding an entry to a single resource table to reflect such resource allocation. None of these cited sections of Schunk describe any type of linking between two different data structures, as per the features of Claim 6. Thus, it is further urged that Claim 6 is not anticipated by the cited reference.

Further with respect to Claim 8, and for similar reasons to those given above with respect to Claim 6, the cited Shunk reference does not describe any linking between two different data structures. Claim 8 expressly recites “linking the entry in the resource data structure with an entry in a cluster data structure”. Thus, it is further urged that Claim 8 is not anticipated by the cited reference.

Further with respect to Claim 9, such claim recites “determining whether the cluster is part of a grid; and associating the cluster with the grid”. In rejecting Claim 9, the Examiner states that all of the

features of Claim 9 are taught by Shunk's Figure 6. Applicants urge error, as Schunk's Figure 6 is a forwarding table used to route IP addresses (col. 11, lines 41-51). Forwarding of IP addresses does not teach any type of cluster or grid determination, as provided by the features of Claim 9. Thus, it is further urged that Claim 9 is not anticipated by the cited reference.

Further with respect to Claim 10, such claim recites "wherein associating the cluster with the grid includes linking the entry in the cluster data structure with an entry in a grid data structure". In rejecting Claim 10, the Examiner states that all of the features of Claim 10 are taught by Shunk's Figure 6.

Applicants urge error, as Schunk's Figure 6 is a forwarding table used to route IP addresses (col. 11, lines 41-51). Forwarding of IP addresses does not teach any type of entry linking between two different data structures such as a cluster data structure and a grid data structure, as provided by the features of Claim 10. Thus, it is further urged that Claim 10 is not anticipated by the cited reference.

Applicants traverse the rejection of Claims 12-20 for similar reasons to those given above with respect to Claims 1-11.

Therefore, the rejection of Claims 1-20 under 35 U.S.C. § 102(e) has been overcome.

II. Conclusion

It is respectfully urged that the subject application is patentable over the cited reference and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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